

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

In re: Vitamins Antitrust Litigation

This Document Relates to:

Barton, et al. v. F. Hoffman-La Roche, Ltd., et al.,
Case No. 99-248 (E.D. Ky)

Misc. No. 99-197 (TFH)

MDL No. 1285

FILED

JUN 19 2001

**STIPULATION OF DISMISSAL WITHOUT
PREJUDICE OF CLAIMS OF PLAINTIFFS**

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Pursuant to Federal Rule of Civil Procedure 41(a), it is hereby stipulated and agreed that all claims of Plaintiffs James W. Barton and Robert Barton d/b/a Barton Brothers and 2 B Cattle Company, Central Kentucky Hog Marketing Association, Inc., Beeler Farms, Inc., Optimum Swine Genetics, Inc., and Joe Wright ("Plaintiffs") are dismissed without prejudice as against all Defendants in the above-captioned case. In the event Plaintiffs, at a later date, bring claims under the Sherman Act or any other state or federal law for either injunctive relief or damages allegedly arising out of the price-fixing conspiracies alleged in cases included in MDL 1285, they agree (1) to continue to be bound by the terms of the Stipulation and Order Regarding Personal Jurisdiction and Re-Filing of Actions (D.C.) entered by Judge Hogan on January 26, 2001, (2) that they will not seek any additional discovery beyond that provided in the MDL litigation, (3) that they will seek access to such MDL discovery only from counsel for plaintiffs in the MDL litigation, and (4) that they will comply with discovery requests previously directed at plaintiffs within 20 days of filing their claim(s).

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A proposed Order of Dismissal Without Prejudice accompanies this Stipulation as

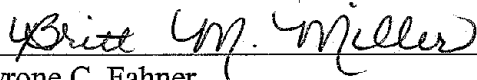
Exhibit 1.

Dated: May 30, 2001

Respectfully submitted,



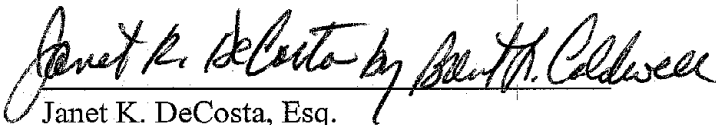
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purposes of this stipulation, on behalf of all
Defendants.*



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Inc., Optimum Swine Genetics, Inc., and Joe
Wright.*

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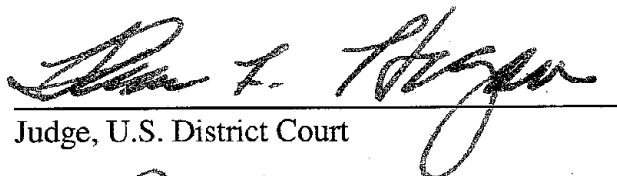
**PROPOSED ORDER OF DISMISSAL WITHOUT
PREJUDICE OF CLAIMS OF PLAINTIFFS**

AND NOW, this 18 day of June, 2001, upon consideration of the foregoing Stipulation of the Plaintiffs James W. Barton and Robert Barton d/b/a Barton Brothers and 2 B Cattle Company, Central Kentucky Hog Marketing Association, Inc., Beeler Farms, Inc., Optimum Swine Genetics, Inc., and Joe Wright ("Plaintiffs") and Defendants in the above-captioned case,

IT IS HEREBY ORDERED that the foregoing Stipulation to dismiss, without prejudice, all claims of Plaintiffs against all Defendants in the above-captioned case be and the same is approved. In the event Plaintiffs, at a later date, bring claims under the Sherman Act or any other state or federal law for either injunctive relief or damages allegedly arising out of the price-fixing conspiracies alleged in cases included in MDL 1285, they agree (1) that they will continue to be bound by the terms of the Stipulation and Order Regarding Personal Jurisdiction and Re-Filing of Actions (D.C.) entered by Judge Hogan on January 26, 2001, (2) that they will not seek any additional discovery beyond that provided in the MDL litigation, (3) that they will seek access to such MDL discovery only from counsel for plaintiffs in the MDL litigation, and (4) that they will comply with discovery requests previously directed at plaintiffs within 20 days of filing their claim.

Accordingly, the claims in the above-captioned case of Plaintiffs against Defendants be and the same are hereby dismissed without prejudice, to the extent set forth above. This Order is without prejudice to Plaintiffs' claims against any other defendants or alleged co-conspirators in the above-captioned case.

ENTERED:


Judge, U.S. District Court

Dated: June 18, 2001